

AMENDED IN SENATE JUNE 3, 2010

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 346**

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**Introduced by Assembly Member ~~Torlakson~~ Conway  
(Coauthor: Assembly Member Solorio)**

February 19, 2009

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~~An act to amend Sections 17077.40 and 17077.42 of the Education Code, relating to joint-use school facilities.~~ *An act to amend Section 49024 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 346, as amended, ~~Torlakson~~ Conway. ~~Joint-use school facilities.~~  
*Schools: Activity Supervisor Clearance Certificate.*

*Existing law, commencing on July 1, 2010, requires that a noncertificated candidate obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing before assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program, as defined.*

*This bill would delay this requirement until July 1, 2011, but authorize the commission to issue the certificate before the requirement is implemented.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~(1) Existing law authorizes the State Allocation Board to provide a grant to fund joint-use projects to construct facilities on kindergarten and grades 1 to 12, inclusive, schoolsites if the school district demonstrates that the project meets specified criteria. Eligibility for a joint-use grant is conditioned upon, among other things, demonstration by a school district that (a) it has entered into a joint-use agreement with a specified joint-use partner that specifies the amount of the contribution to be made by the school district and the joint-use partner toward the 50% local share of eligible project costs, and (b) the joint-use partner has agreed to contribute at least 25% of eligible project costs, except as provided.~~

~~This bill would authorize the board to provide a grant to fund a joint-use project on property that is adjacent to a schoolsite and owned by a governmental entity, as defined. The joint-use agreement would be required to provide that the land would be leased to the school district for a period that reflects the useful life of the facility to be constructed.~~

~~The bill would expand the types of projects that would be eligible to be built using grant funds. Those projects would include a child health and wellness clinic, career technical building or shop, science and technology laboratory, science center with exhibits or educational programs that meet current state content standards, historical or cultural education center with exhibits or educational programs that meet current state content standards, performing arts center, and physical education and outdoor recreation site development.~~

~~(2) Existing law requires the joint-use agreement to specify the amount of the contribution to be made by the school district and the joint-use partner toward the 50% local share of eligible project costs.~~

~~The bill would authorize a school district to include, as part of the local contribution, the value of land or real property upon which the joint-use project is to be built if the school district owns the land or real property and did not pay for it or acquire it with state funds or the school district does not own the land or real property, but it will be given to the district. A portion of the contribution of a joint-use partner, up to 10% of eligible project costs, would be authorized to include equipment with an average useful life expectancy of at least 10 years.~~

~~This bill also would require a joint-use agreement to ensure that the school district maintains priority for use of the facilities constructed~~

and provide that the facility will be a public facility with access to the facility guaranteed for public use.

~~(3) This bill would become operative only if the voters approve a statewide general obligation bond act for the purpose of providing aid to school districts to construct and modernize educational facilities at a statewide election on or after January 1, 2010.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 49024 of the Education Code is amended  
2     to read:

3     49024. (a) ~~Prior to assuming (1) Commencing on July 1, 2011,~~  
4     ~~before a noncertificated individual assumes a paid or volunteer~~  
5     ~~position to supervise, direct, or coach a pupil activity program~~  
6     ~~sponsored by, or affiliated with, a school district, all noncertificated~~  
7     ~~candidates— the individual shall obtain an Activity Supervisor~~  
8     ~~Clearance Certificate from the Commission on Teacher~~  
9     ~~Credentialing pursuant to subdivision (f) of Section 44258.7.~~

10    (2) *The Commission on Teacher Credentialing may issue an*  
11    *Activity Supervisor Clearance Certificate pursuant to subdivision*  
12    *(f) of Section 442587 before the requirement in paragraph (1) is*  
13    *implemented.*

14    (b) A pupil activity program sponsored by, or affiliated with, a  
15    school district includes, but is not limited to, scholastic programs,  
16    interscholastic programs, and extracurricular activities sponsored  
17    by a school district or school booster club, including, but not  
18    limited to, cheer team, drill team, dance team, and marching band.

19    (c) Volunteer supervisors for breakfast, lunch, or other  
20    nutritional periods pursuant to Sections 44814 and 44815, and  
21    nonteaching volunteer aides under the immediate supervision and  
22    direction of certificated personnel of the district pursuant to Section  
23    35021, shall not be required to obtain an Activity Supervisor  
24    Clearance Certificate.

25    (d) Candidates may be issued a temporary certificate in  
26    accordance with Sections 44332 and 44332.5 while the application  
27    is being processed.

28    (e) This section shall become operative on July 1, 2010.

1     *SEC. 2. This act is an urgency statute necessary for the*  
2     *immediate preservation of the public peace, health, or safety within*  
3     *the meaning of Article IV of the Constitution and shall go into*  
4     *immediate effect. The facts constituting the necessity are:*

5     *In order to delay for one year the requirement that*  
6     *noncertificated paid and volunteer school personnel obtain an*  
7     *Activity Supervisor Clearance Certificate, it is necessary that this*  
8     *act take effect immediately.*

9     ~~SECTION 1. Section 17077.40 of the Education Code is~~  
10    ~~amended to read:~~

11    ~~17077.40. (a) With funds made available for the purposes of~~  
12    ~~this article, the board may provide a grant to fund joint-use projects~~  
13    ~~to construct facilities on schoolsites that offer instruction in~~  
14    ~~kindergarten and grades 1 to 12, inclusive, or on property that is~~  
15    ~~adjacent to the schoolsite and owned by a governmental agency;~~  
16    ~~as defined in paragraphs (2) and (3) of subdivision (f) of Section~~  
17    ~~4420 of the Government Code. A joint-use agreement to construct~~  
18    ~~facilities on land owned by a governmental agency shall provide~~  
19    ~~that the land will be leased to the school district for a time period~~  
20    ~~that reflects the useful life of the facility constructed.~~

21    ~~(b) A school district may apply to the board for funding under~~  
22    ~~this article for a project that meets any of the following criteria:~~

23    ~~(1) The joint-use project is part of an application for new~~  
24    ~~construction funding under this chapter and will increase the size~~  
25    ~~or extra cost associated with the joint use of the proposed~~  
26    ~~multipurpose room, gymnasium, library, child care facility, child~~  
27    ~~health and wellness clinic, career technical building or shop,~~  
28    ~~science and technology laboratory, science center with exhibits or~~  
29    ~~educational programs that meet current state content standards,~~  
30    ~~historical or cultural education center with exhibits or educational~~  
31    ~~programs that meet current state content standards, performing~~  
32    ~~arts center, physical education and outdoor recreation site~~  
33    ~~development, or teacher education facility beyond that necessary~~  
34    ~~for school use.~~

35    ~~(2) The joint-use project proposes either to reconfigure existing~~  
36    ~~school buildings or construct new school buildings, or both, to~~  
37    ~~provide for a multipurpose room, a gymnasium, a library, a child~~  
38    ~~care facility, child health and wellness clinic, career technical~~  
39    ~~building or shop, science and technology laboratory, science center~~  
40    ~~with exhibits or educational programs that meet current state~~

1 ~~content standards, historical or cultural education center with~~  
2 ~~exhibits or educational programs that meet current state content~~  
3 ~~standards, performing arts center, physical education and outdoor~~  
4 ~~recreation site development, or a teacher education facility, and~~  
5 ~~the project will be located at or adjacent to a school that does not~~  
6 ~~have the type of facility for which funds are requested or the~~  
7 ~~existing facility is inadequate.~~

8 ~~(3) The joint-use project proposes either to reconfigure existing~~  
9 ~~school buildings or construct new school buildings, or both, to~~  
10 ~~provide for facilities to improve pupil academic achievement, and~~  
11 ~~the plans for the facility were accepted for review and approval~~  
12 ~~by the department prior to January 1, 2004.~~

13 ~~SEC. 2. Section 17077.42 of the Education Code is amended~~  
14 ~~to read:~~

15 ~~17077.42. In order to be approved for a grant under this article,~~  
16 ~~the applicant school district shall demonstrate that it has complied~~  
17 ~~with all of the following:~~

18 ~~(a) The school district has entered into a joint-use agreement~~  
19 ~~with one of the following or a combination of any of the following:~~

20 ~~(1) A governmental agency.~~

21 ~~(2) A public community college, a public college, or a public~~  
22 ~~university.~~

23 ~~(3) A nonprofit organization approved by the board.~~

24 ~~(b) The joint-use agreement specifies the method of sharing~~  
25 ~~capital and operating costs, specifies relative responsibilities for~~  
26 ~~the operation and staffing of the facility, and specifies the manner~~  
27 ~~in which the safety of the pupils will be ensured.~~

28 ~~(c) (1) The joint-use agreement specifies the amount of the~~  
29 ~~contribution to be made by the school district and the joint-use~~  
30 ~~partner toward the 50-percent local share of eligible project costs.~~

31 ~~(2) A school district may include, as part of the local~~  
32 ~~contribution for the joint-use project, the value of land or real~~  
33 ~~property upon which the joint-use project is to be built if either of~~  
34 ~~the following conditions exists:~~

35 ~~(A) The school district owns the land or real property and did~~  
36 ~~not pay for or acquire the land or real property with state funds.~~

37 ~~(B) The school district does not own the land or real property,~~  
38 ~~but will be given the land free of charge.~~

39 ~~(3) The contribution made by a joint-use partner shall be no less~~  
40 ~~than 25 percent of eligible project costs, unless the school district~~

1 has passed a local bond which specifies that proceeds of sale of  
2 the bonds are to be used for joint-use projects, in which case the  
3 school district may opt to provide up to the full 50-percent local  
4 share of eligible costs.

5 (4) A portion of the contribution of a joint-use partner, up to  
6 but not exceeding 10 percent of eligible project costs, may include  
7 equipment with an average useful life expectancy of at least 10  
8 years if this contribution is included as part of a career technical  
9 education joint-use project application.

10 (d) The school district demonstrates that the facility will be used  
11 to the maximum extent possible for both school and community  
12 purposes, or both school and higher education purposes, as  
13 applicable.

14 (e) The joint-use agreement ensures that the school district  
15 maintains priority for use of the facilities constructed.

16 (f) The joint-use agreement provides that the facility will be a  
17 public facility with access to the facility guaranteed for public use.

18 (g) (1) The project application qualifies for funding under  
19 paragraph (1) of subdivision (b) of Section 17077.40 and the school  
20 district has received all approvals necessary for apportionment  
21 under this chapter.

22 (2) The project qualifies for funding under paragraph (2) or (3)  
23 of subdivision (b) of Section 17077.40 and the school district has  
24 completed preliminary plans for the project and has received State  
25 Department of Education approval of the plans.

26 SEC. 3. This act shall become operative only if the voters  
27 approve a statewide general obligation bond act for the purpose  
28 of providing aid to school districts to construct and modernize  
29 educational facilities at a statewide election on or after January 1,  
30 2010.